

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

"SERVER AND MULTIPLE SENSOR SYSTEM FOR MONITORING ACTIVITY IN A SHARED RADIO FREQUENCY BAND"

Docket No., Cognio109US the specification of which

(check
one) X is attached hereto
____ was filed on _____, as
Application Serial No. _____
and was amended on _____
(if applicable)

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims as amended by any amendment referred to above.

I acknowledge the duty to disclose to the United States Patent Office all information which is known to me to be material to the patentability of this application in accordance with Title 37, Code of Federal Regulations. 1.56¹

I do not know and do not believe this invention was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, and I believe that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as identified below:

I/We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application for patent or inventor's certificate having a filing date before that of the above listed application on which priority is claimed:

| Prior Foreign Application(s) | Number | Country | Date |
|------------------------------|--------|---------|------|
|------------------------------|--------|---------|------|

¹ (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made of record in the application, and

(1) It establishes, by itself or in combination with other information, a *prima facie* case of unpatentability of a claim; or

(2) It refutes, or is inconsistent with, a position the application takes in:

(i) opposing an argument of unpatentability relied on by the Office, or
(ii) asserting an argument of patentability.

A *prima facie* case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden of proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

If no priority is claimed, I have identified all foreign patent applications filed prior to this application:

| Prior Foreign Application(s) | Number | Country | Date |
|------------------------------|--------|---------|------|
|------------------------------|--------|---------|------|

I hereby appoint the following attorney, D. Andrew Floam (Reg. No. 34,597) with full power of substitution and revocation, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith and request that all correspondence and telephone calls in respect to this application be directed to

D. Andrew Floam
Cognio, Inc.
101 Orchard Ridge Drive, Suite 350
Gaithersburg, Maryland 20878

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor Neil R. Diener

Inventor's signature Neil Diener Date 11/17/03
Residence Rockville, Maryland
Citizenship USA
Post Office Address 10 Watchwater Way
Rockville, Maryland 20850

Full name of second inventor David S. Kloper

Inventor's signature David S. Kloper Date 11/17/03
Residence Mt. Airy, Maryland
Citizenship USA
Post Office Address 1012 Leafy Hollow Circle
Mt. Airy, Maryland 21771

Full name of third inventor Anthony T. Collins

Inventor's signature Anthony T. Collins Date 11/17/03
Residence Silver Spring, Maryland
Citizenship USA
Post Office Address 48 Silver Moon Drive
Silver Spring, Maryland 20904